

THE KEY FEATURES OF THE NIGERIAN IMMIGRATION ACT, 2015

When you want to move your business or your residency to a different country, it is important that you first get acquainted with the immigration laws that you need to abide with. Nigeria issued the Immigration Regulations in 2017 so as to legally bind the Immigration Act of 2015, and help in its successful implementation. The Regulations laid down the guidelines for foreign nationals looking to either set up business in Nigeria, take up paid employment or visit the Nigeria for other lawful purposes and the various immigration policies and limitations.

Let us take you through the key features of the Nigeria Immigration Act:

Permit for Business

It is imperative that any investor or entrepreneur obtain a business permit before going ahead to set up any business or project in Nigeria. The permit which is issued pursuant to Section 36(1)(b) of the Immigration Act is issued to registered Nigerian companies who have interest in investing or carrying on any form of business in Nigeria. However, the Promoters/Directors of a Company to whom a Business Permit has been issued are not automatically eligible for status as a resident. He/ she also needs the required country visa. A penalty has been imposed for failing to renew the permit, and it might also be revoked.



Expatriate Quota

Expatriate Quota is granted to companies registered in Nigeria to enable them bring into the country, expatriate personnel with skills and competencies in areas where they are either in short supply or not available locally. It is granted for an initial period of between 3 years and has a lifespan of 10 years within which time the expatriates are expected to have transferred the requisite skills and technology to Nigerians in their employment in such a manner that will ultimately lead to the domestication of the positions they are holding. Thus, every foreign company which has been registered in Nigeria and desires to employ expatriates must first obtain an Expatriate Quota from the Federal Ministry of Interior.

Residency Permit

This is a permit is applicable to foreign nationals who desire to take up paid employment in Nigeria. Such expatriates are first required to issue a valid employment to the expatriate following which a residence permit would be approved by the Nigerian Immigration Service. However, such an expatriate would first be required to process a Subject to Regularization (STR) Visa at the Nigerian Embassy in his/her country

of residency. Upon issuance of the STR Visa and the Expatriate's entry into Nigeria, a work and residency visa would be issued. The Residency Permit also doubles as re-entry visa and entitles the holder to limitless entry into Nigeria. The Residency permit is valid for 12 months and is renewable thereafter but subject to the validity of the underlining Expatriate Quota. It is issued to a foreign national who has been employed by any enterprise registered in Nigeria.

Temporary Work Permit

The TWP works as a single-entry work visa that can be issued for just a few months. This entry permit is available to expatriates who possess special skills and are invited to Nigeria by corporate bodies to provide specialized services short term services. The assignments which are eligible for grant of a Temporary Work Permit include - auditing of accounts, erection / after-sales installation work, feasibility studies, erection /installation work, repairs and machinery of machinery/equipment, research work and other relevant assignments. The permit is issued for an initial period two months but may be extended for a further one month depending in the discretion of the Comptroller General. They do not cut a slack in this department, so it is better to be one step ahead always.

Visa On Arrival

The CGI may approve a visa on arrival for most foreign nationals, which is a huge benefit. The Act had specifically provided this facility for-Executive directors of Multi-National Companies, Business personalities who travel frequently and members of government delegations.

Then the facility was extended to anyone who failed to have a consular business visa approved, and now all foreign nationals are eligible for it. The only condition is that the person must have secured a pre-approval in-country before stepping on to the plane.

Investment Visa

If a foreign national manages to import a certain 'threshold of capital', he or she may receive a permanent residence permit ("PR"). This minimum threshold is not specified anywhere, and will be determined in the national visa policy itself. The Government holds the right to revoke the PR in case you remove your investment in Nigeria.

ECOWAS Nationals

All nationals of countries that are signatories to the ECOWAS treaty are allowed 90 days free entry for any given period. Such stay does not include the right to take up employment or engage in Business. Such citizens could also be granted a right to reside in Nigeria for such period of time – up to 5 years - as the Comptroller of Immigration may grant. This facility is granted for an initial period of twelve months subject to multiple extensions. To qualify for employment, such nationals must apply to the Comptroller General of Immigration for the issuance of an ECOWAS Work Permit. The permit is issued for an initial period of two years and is renewable.



Spousal Permits

Any foreign national who is married to a Nigerian is eligible to receive a spousal residence permit, which serves as a multiple entry visa. It does not discriminate in terms of gender, but you should note that Nigeria does not legally accept civil partnerships and same sex marriages.

Controlling The Movement

A foreign national is subjected to strict monitoring and a register is maintained as to his or her whereabouts. The certificate of registration is an extremely valuable document and a copy of it should always be kept close. Any changes must be reported to the closest NIS office.

Keep these facts in mind when you are planning your big move to Nigeria.